

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA

DELTA LOCUM TENENS, LLC, )  
                                 )  
Plaintiff,                 )  
                                 )  
v.                            )              Case No. 5:17-fj-00004-R  
                                 )  
CIMARRON COUNTY HEALTH AUTHORITY, )  
d/b/a CIMARRON MEMORIAL HOSPITAL, )  
                                 )  
Defendant.                 )

**MOTION OF NON-PARTY NEWLIGHT HEALTHCARE, LLC,**  
**TO INTERVENE**

NewLight Healthcare, LLC, (“NewLight”) a non-party, moves this Court for an order allowing NewLight to intervene in the above-enumerated case for the purpose of asserting a right to assets being claimed by Plaintiff via garnishment. In support of this motion, NewLight would show the Court:

1. Defendant owes NewLight certain amounts of monies pursuant to a Promissory Note. The Promissory Note is secured by a security agreement. A UCC Financing Statement that was filed on November 1, 2016 with the Oklahoma County Clerk, consistently with Oklahoma law. **Exhibit 1, UCC Financing Statement.** The UCC Financing Statement is evidence of the grant, by Defendant, to NewLight of a securing interest in and too “all present and future accounts receivable of Debtor and all the proceeds therefrom.” The UCC Financing Statement is a public record that may be accessed in person or via the world wide web.

2. The collateral described by the UCC Financing Statement includes amounts held in a checking account with First State Bank, the garnishee. On November 27, 2017, Plaintiff herein served a Garnishment Affidavit upon First State Bank [see Doc.15] seeking to garnish money from First State Bank to satisfy a judgment the Plaintiff obtained against the Defendant in the United States District Court for the Northern District of Texas. The judgment was obtained July 13, 2017 [see Doc.1].
3. The secured interest of NewLight in and to the collateral is superior to the interest of the Plaintiff. If Plaintiff successfully garnishes monies from First State Bank, NewLight will be left without recourse.
4. Rule 24(a)(2) of the Federal Rules of Civil Procedure allows for a person to intervene who “claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant’s ability to protect its interest....” NewLight has an interest in the transaction contemplated by this garnishment proceeding that would be defeated if the garnishment is allowed to proceed.
5. NewLight requests that the Court enter an order allowing NewLight to intervene in this action for the purpose of asserting its interest in and to the collateral which is being sought in this garnishment. NewLight requests that the Court make a determination that its secured interest in and to the accounts receivable of Cimarron County Health Authority, and the “proceeds therefrom” held by the bank, is superior to the interest of Plaintiff. This motion will be served upon the parties with a

pleading (attached hereto as **Exhibit 2**) which NewLight will file in the event the Court grants this Motion to Intervene.

6. Pursuant to Rule 24 of the Federal Rules of Civil Procedure, a copy of this motion will be served upon all parties via United States Mail and to Plaintiff via Notice of Electronic Filing with the Court's electronic case filing system.

WHEREFORE, premises considered, NewLight Healthcare, LLC, respectfully requests that the Court grant this Motion to Intervene.

Respectfully submitted,

/s/Brandon Powell Wilson  
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**Certificate of Service**

The undersigned certifies that a true and correct copy of the foregoing was served on December 6, 2017, as follows:

***Via Notice of Electronic Filing***

Lori Sander, OBA No. 16577  
Jacob B. Kring, Tex. No. 24062831

***Via United States Mail***

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Cimarron County Health Authority  
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/s/Brandon Powell Wilson